

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	
Request for Review of a Decision of the)	471 Application Number
Universal Service Administrator of H-Wire)	161054677 (FRN 1699126417) (2016)
Technology Solutions)	

**REQUEST OF H-WIRE FOR REVIEW OF A DECISION OF THE UNIVERSAL SERVICE
ADMINISTRATIVE COMPANY**

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September 26, 2019

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Summary

H-Wire Technology Solutions (“H-Wire”) was the successful bidder for certain equipment and services for which Paradigm High School (Charter) (“Paradigm HS”) successfully sought support from the Commission’s Schools and Libraries Universal Service Support Mechanism (“E-rate”) for Funding Year (“FY”) 2016. Following a three-year investigation, the Universal Service Administrative Company (“USAC”) recently rescinded its previous funding commitment, based on an incorrect finding that H-Wire and Paradigm HS violated the E-rate competitive bidding rules, and denied H-Wire’s appeal. Because no such violation occurred, H-Wire hereby requests that the Wireline Competition Bureau review and reverse the USAC decision, direct USAC to reinstate the funding commitment, and discontinue recovery actions.

USAC’s decision stems from the position of Lincoln Fillmore, President of Charter Solutions. Charter Solutions provided certain administrative and financial accounting services unrelated to E-rate under a contract with Paradigm HS. At the time, Lincoln Fillmore also held a passive minority financial interest in H-Wire. No competitive bidding violation occurred, however, because Lincoln Fillmore and Charter Solutions were not involved in any way in Paradigm HS’s E-rate matters. They did not participate in completing the Form 470, nor serve as the applicant’s contact person, nor evaluate, recommend, or select any bids.

Rather, for FY 2016, Paradigm HS hired a separate specialist E-rate consultant, KM Consulting, to handle all aspects of its participation in the E-rate program and application for support. Paradigm HS and KM Consulting took great care to ensure that neither Lincoln Fillmore nor Charter Solutions could have any involvement or control in the E-rate competitive bidding process or could gain access to any “insider” information on Paradigm HS’s technology needs or vendor selection.

The Commission has consistently held that USAC must base its decision to deny, rescind, or recover E-rate funds on an applicant-specific investigation that uncovers evidence of actual conduct that violates the Commission's E-rate rules. Relevant to this case, a finding of impermissible conflicts of interest must rest on evidence that a party actually acted in a dual role for both the applicant and the bidder. After conducting a three-year investigation, USAC found no such evidence, precisely because KM Consulting, alone and to the exclusion of Charter Solutions and Lincoln Fillmore, managed the E-rate procurement process for Paradigm HS. As such, because Lincoln Fillmore played no role in the applicant's E-rate competitive bidding process, his financial interest in H-Wire does not create a conflict of interest.

USAC's decision to rescind its funding commitment is impermissibly based solely on speculation that the mere presence of Lincoln Fillmore and Charter Solutions at Paradigm HS, even for reasons unrelated to E-rate, would taint the competitive bidding process. The Commission has been clear that such speculation, while it may appropriately support further USAC inquiries, information requests, or audits, cannot alone support denial or rescission of a funding commitment. Indeed, if such speculation were sufficient, then any number of innocuous business or personal relationships between representatives of applicants and service providers could become grounds for funding denials, causing the destabilization of the entire E-rate mechanism.

To the extent that the Bureau sees fit to uphold USAC's decision to rescind its funding commitment and seek recovery, H-Wire requests that the Bureau direct USAC to seek recovery only from Paradigm HS. The Commission has made clear that it is the Applicant's responsibility not to surrender control of the competitive bidding process, and H-Wire in fact exercised no such control and received no "insider" information that was not available to other bidders.

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**REQUEST OF H-WIRE TECHNOLOGY SOLUTIONS FOR REVIEW OF A DECISION OF THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission’s rules,¹ H-Wire Technology Solutions (“H-Wire”) respectfully requests that the Wireline Competition Bureau (the “Bureau”) review and reverse the Decision on Appeal of the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) in the Funding Year (“FY”) 2016 RFCDL dated July 29, 2019 (the “USAC Denial”).² Contrary to the finding of the USAC Denial, the competitive bidding process conducted by the Applicant, Paradigm High School Charter (“Paradigm HS”), was “fair and open,”³ and was not tainted by any conflict of interest between Paradigm HS and H-Wire. H-Wire neither had a relationship with the Applicant that would unfairly influence the outcome of a competition or would furnish it with inside information, nor did it have any other role in Paradigm HS’s selection of the winning service provider other than that of a bidder.

¹ 47 C.F.R. § 54.719(b), (c); 47 CFR § 54.722(a).

² See Exhibit A, FY 2016 RFCDL (denying H-Wire’s appeal for Paradigm High School Charter) (“USAC Denial”). The Request is timely filed. Section 54.720(b) of the Commission’s rules requires the filing of an appeal “within sixty (60) days of issuance” of a decision by USAC. The USAC Denial was dated July 29, 2019, meaning that this Request for Review is due on September 27, 2019. See 47 C.F.R. §§ 54.720(b), 1.4(j).

³ 47 C.F.R. § 54.503(a).

Background

A. FY 2016 FCC Form 470 and Form 471 Applications

On April 25, 2016, KM Consulting, the Consultant for Paradigm HS posted a Form 470 No. 160045227 (“Form 470”)⁴ to the USAC web site, indicating that it was seeking, among other things, internal connections services funded through the Commission’s Schools and Libraries Universal Service Support Mechanism (“E-rate”) for FY 2016. The Form 470 identified the authorized person as Gavin Swenson of KM Consulting (the “Consultant”). On the same date as the posting of the Form 470, Paradigm HS also issued a Request for Proposal (“RFP”)⁵ with a response due date by May 23, 2016. The RFP directed vendors to submit all bids to the KM Consulting firm. H-Wire submitted a timely bid response. H-Wire has no information with respect to the other bids received, because it was not in any way involved in the competitive bid process. On May 25, 2016, Fernando Seminario, Director of Paradigm HS, notified H-Wire that it had won the bid.

On May 25, 2016, shortly before midnight per the Form 471, the Consultant filed FCC Form 471 Application Number 161054677, seeking funding for internal connections services for FRN 1699126417.⁶ On September 9, 2016, USAC issued a positive FCDL approving 471 Application Number 161054677. Subsequently, H-Wire provided and invoiced for the service, which underwent a PIA review and was approved.

⁴ Exhibit B, FY 2016 FCC Form 470 for Internal Connections, dated Apr. 25, 2016.

⁵ Exhibit C, Paradigm High School RFP for Internal Connections, dated Apr. 25, 2016.

⁶ Exhibit D, FY 2016 FCC Form 471 for Internal Connections, dated May 25, 2016.

B. Special Compliance Information Request

On July 11, 2016, USAC sent H-Wire a Special Compliance Information Request (the “SCIR”).⁷ The SCIR sought information about the relationship between Charter Solutions, a Charter business management company, and H-Wire. On July 21, 2016, H-Wire responded to USAC and the SCIR questions.

In its response, H-Wire explained that Charter Solutions was a silent minority investor owning 11% of the member units in H-Wire.⁸ When USAC inquired as to what steps were taken by H-Wire to mitigate any potential conflict of interest, H-Wire responded that Lincoln Filmore, shareholder of Charter Solutions and passive investor of H-Wire “was not present or involved in any technology discussion, technology planning, conference, teleconference, bid response strategy at H-Wire at any time for E-Rate funded or non E-Rate business . . . , eliminating any perceived or actual conflict of interest in any and all H-Wire business.”⁹

The SCIR also inquired into the same address of both businesses. Specifically, the SCIR asked:

“B. Please explain why the address 12608 S 125 W Suite C, Draper, UT 84020, as indicated on Charter Solutions website http://www.chartersolutions.org/about_us.html is also listed as an address for H-Wire Technology Solutions in Schools and Libraries Program databases. Do Charter Schools, Inc. and H-Wire Technology Solutions, LLC share office space? Are these institutions one and the same?”

H-Wire responded as follows:

“a. H-Wire sub-leases a completely separate and independent floor of suite C to Charter Solutions.

“b. Do we share office space? No, see response A.

⁷ Exhibit E – USAC SCIR, dated July 11, 2016.

⁸ *Id.*

⁹ *Id.*

“c. Are the institutions one and the same? No, we are completely separate entities and organizations. H-Wire has no ownership or stake in Charter Solutions.”¹⁰

Finally, the SCIR asked:

“E. Please indicate if Lincoln Fillmore is compensated in any way by H-Wire Technology Solutions, LLC.”

H-Wire responded as follows:

“a. Lincoln Fillmore is not employed by H-Wire. Lincoln receives no compensation for any services and provides no services to H-Wire. His only association is as a member of the LLC and receives a small (11%) portion of distributions.”¹¹

Following H-Wire’s submission of these responses, years passed, during which time USAC funding was frozen. Despite repeated efforts by H-Wire to break the impasse, USAC remained silent until late FY 2018, when H-Wire received an undated notice from USAC that it intended to rescind all funding to certain FRNs. The notice did not address any of H-Wire’s previous responses or create any nexus between H-Wire and Paradigm HS’s competitive bid process, because none existed.

H-Wire responded to the USAC Letter through counsel (“Counsel’s Letter”) on August 2, 2018. Counsel’s Letter provided further factual details as to why no conflict of interest existed between H-Wire and Charter Solutions; pointed out that, despite years of investigation, USAC had documented no involvement by Lincoln Fillmore or Charter Solutions in the E-rate competitive bidding process, principally because one did not exist; and highlighted several factual errors contained in the USAC notice.¹² Moreover, Counsel’s Letter reiterated that a different E-rate Consultant (KM Consulting) was responsible for all E-rate activity on behalf of

¹⁰ *Id.*

¹¹ *Id.*

¹² Exhibit F, Letter from Jonathan O. Hafen, Parr Brown Gee & Loveless to Fabio Nieto, USAC (Aug. 2, 2018).

Paradigm HS in FY 2016 and FY 2017.¹³ As such, that Consultant (and not Lincoln Fillmore or H-Wire) performed all E-rate tasks, such as gathering the needs of the schools, filing E-rate forms, responding to USAC inquiries, advising on the competitive bid process, interfacing with the vendors, notifying vendors of awards, and the filing of all post-commitment FCC forms and invoices. Neither H-Wire nor its outside counsel received a response from USAC to Counsel's Letter.

C. The COMAD and RFCDL

On May 31, 2019, USAC issued a COMAD for FCC Form 471 and sought recovery in the amount of \$-12,810.5970. The Funding Commitment Adjustment Explanation follows:

"After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Charter Solutions is determined to be associated with the service provider H-Wire Technology Solutions for the FRN(s). Specifically, the President of Charter Solutions, Lincoln Fillmore maintains a minority interest in H-Wire Technology Solutions. Additionally, Charter Solutions and H-Wire Technology Solutions are physically located in the same building. FCC rules require applicants to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor any individual or organization working on the applicant's behalf should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with 'inside' information or allow it to unfairly compete in any way. Since H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of \$11,257.59 in improperly disbursed funds from the service provider."¹⁴ USAC did not provide any basis for the difference in sums.

On June 24, 2019, H-Wire appealed the COMAD Letter.¹⁵ In its USAC COMAD Appeal, H-Wire again denied that any conflict of interest existed that in any way affected the

¹³ See *id.* at 2.

¹⁴ Exhibit H, H-Wire USAC COMAD Appeal, dated June 24, 2019.

¹⁵ *Id.*

competitive bid process or directed any favoritism or otherwise toward H-Wire. Further, to the extent that USAC believes that such conflict existed to taint the competitive bid process, then it would need to look to Paradigm HS and Charter Solutions, as well as the E-rate Consultant who controlled the competitive bidding process, because H-Wire had no window whatsoever into the competitive bid process, the bids submitted, and any resulting scoring and decision to award the contract to H-Wire. It simply was not privy to such information.

H-Wire also pointed out the discrepancies in the COMAD Letter that sought recovery from both the service provider in one part of the COMAD and only from the service provider in another part of the COMAD.¹⁶ After three years from the date of the original USAC inquiry to H-Wire, on July 29, 2019, in an RFCDL, USAC denied H-Wire's COMAD Appeal, stating that "[o]n appeal, you have not demonstrated that USAC's determination was incorrect."¹⁷ USAC provided no further basis or explanation and failed to acknowledge that additional information was provided. In a change from the original COMAD, however, USAC stated that, "the commitment has been rescinded in full and USAC sought recovery of any improperly disbursed funds from the applicant and service provider," rather than the service provide alone.¹⁸

Discussion

USAC's rescission of the Paradigm HS funding commitment in the RFCDL is based on an assertion that "H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process."¹⁹ This conclusion, in turn, rests on USAC's findings that

¹⁶ *Id.*

¹⁷ *See* Exhibit A, at 6.

¹⁸ *Id.*

¹⁹ *Id.*

(1) Lincoln Fillmore was the President of Charter Solutions and also a passive minority investor in H-Wire; and (2) the offices of Charter Solutions and H-Wire were “physically located in the same building.”²⁰

While these two statements are factually true, they do not, without more, establish a competitive bidding violation. Indeed, after years of investigation, USAC failed to identify any evidence that Paradigm HS’s FY 2016 competitive bidding process was not “fair and open,” as required under Section 54.503(a) of the Commission’s rules. The Commission has long disallowed mere USAC speculation that a competitive bidding violation may have occurred somewhere, somehow, as a basis for denial or rescission of E-rate funding.

Because no conflict of interest in fact tainted the E-rate competitive bidding process conducted by Paradigm HS, H-Wire requests that the Bureau reverse the USAC Denial, lift the COMAD and the RFCDL, and reinstate the funding previously committed under Application Number 161054677, FRN 1699126417, in the amount of \$12,034.09.

A. There Was No Competitive Bid Violation

1. Mere USAC Speculation Does Not Establish a Competitive Bidding Violation

Since the inception of E-rate, the Commission has placed the competitive bidding process at the heart of its funding process,²¹ and has placed the responsibility with the Applicant to conduct the competitive bidding process in a manner that complies with the applicable

²⁰ *Id.*

²¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157, 12 FCC Rcd 8776 (1997) (“Universal Service Order”), at ¶ 30, *aff’d in part, rev’d in part, remanded in part sub nom. Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (finding that, “fiscal responsibility compels us to require schools and libraries to seek competitive bids for all services eligible for section 254(h) discounts” because “[c]ompetitive bidding is the most efficient means for ensuring that schools and libraries are informed about all of the choices available to them”).

Commission rules, including the requirement that the process be “fair and open.”²² The hallmark of such a fair and open competitive bidding process, as articulated by the Commission, is the overarching principle that, “all potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process.”²³

The Commission’s rules articulate a representative list of behaviors that “would not result in a fair and open competitive bidding process,” as follows:

- The applicant for supported services has a relationship with a service provider that would unfairly influence the outcome of a competition or would furnish the service provider with inside information;
- Someone other than the applicant or an authorized representative of the applicant prepares, signs, and submits the FCC Form 470 and certification;
- A service provider representative is listed as the FCC Form 470 contact person and allows that service provider to participate in the competitive bidding process;
- The service provider prepares the applicant's FCC Form 470 or participates in the bid evaluation or vendor selection process in any way;
- The applicant turns over to a service provider the responsibility for ensuring a fair and open competitive bidding process;
- An applicant employee with a role in the service provider selection process also has an ownership interest in the service provider seeking to participate in the competitive bidding process; and
- The applicant's FCC Form 470 does not describe the supported services with sufficient specificity to enable interested service providers to submit responsive bids.²⁴

These factors spring from, among other sources, the Commission’s *MasterMind* decision, which found that the applicant violates the Commission’s competitive bidding requirements “when it surrenders control of the bidding process to a service provider that participates in that

²² 47 C.F.R. § 54.503(a).

²³ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Sixth Report and Order, FCC 10-175, 25 FCC Rcd 18762 ¶ 86 (2010) (“*E-rate Sixth Report and Order*”).

²⁴ 47 C.F.R. §54.503(a) note.

bidding process.”²⁵ Whether the competitive bidding process is fair and open, therefore, is a factual inquiry into whether a service provider *actually obtained* confidential “inside” information or an improper level of control so as to render the competitive bidding process not, in fact, fair and open. Circumstances that suggest the theoretical possibility that a bidder could hypothetically have obtained an unfair competitive advantage may properly prompt USAC to ask questions, issue information requests, or conduct audits, but denial or rescission of funding must be based on a finding that the competitive bidding rules were actually violated supported by an “applicant-specific evaluation,” not circumstantial evidence.²⁶

Thus, for example, the Bureau found a competitive bidding violation in *Send Technologies* where a minority (15 percent) owner of the selected service provider also actually served as the contact person listed on the Form 470.²⁷ Conversely, the Bureau found no competitive bidding violation where the actual “communications at issue . . . did not impede the fair and open nature of [the Applicant’s] competitive bidding processes”²⁸ and “USAC [did] not

²⁵ *Federal-State Joint Board on Universal Service, Request for Review of Decisions of the Universal Service Administrator by MasterMind Internet Services, Inc.*, CC Docket No. 96-45, FCC 00-167, 16 FCC Rcd 4028 (2000) (“*MasterMind Order*”), at ¶ 10.

²⁶ *See Schools and Libraries Universal Service Support Mechanism, Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies, San Antonio, TX*, CC Docket No. 02-6, Order, FCC 06-55, 21 FCC Rcd 5348 (2006) (“*Academy of Careers Order*”), at ¶ 6 (“The “pattern analysis” procedure may be helpful to identify applications for further review to determine if the applicant violated our competitive bidding rules; however, the mere presence of similar language in Form 470s by different program participants ultimately selecting the same service provider is not sufficient evidence of a rule violation.”).

²⁷ *Schools and Libraries Universal Service Support Mechanism, Requests for Review of the Decision of the Universal Service Administrator by Send Technologies, LLC*, CC Docket No. 02-6, DA 07-1270, 22 FCC Rcd 4950 (Wir. Comp. Bur. 2007), at ¶ 6.

²⁸ *Schools and Libraries Universal Service Support Mechanism, Requests for Review of Decisions of the Universal Service Administrator by Trillion Partners, Inc., Austin, Texas*, CC Docket No. 02-6, DA 12-605, 27 FCC Rcd 4088 (Wir. Comp. Bur. 2012), at ¶ 1.

point to the specific communications that it found were not in compliance with applicable rules and regulations.”²⁹

The Commission requires evidence of actual impermissible conduct for good reason. If theoretical speculation on how “inside” information or influence could hypothetically have traveled from the Applicant to the service provider were sufficient, USAC would have difficulty ever reaching certainty that any competitive bidding process was fair and open. Evidence that Applicant and service provider representatives (or, as here, consultants) shared personal friendships; had common hobbies, church or club memberships, or other social relationships; ate at the same restaurant; lived in the same neighborhood; or crossed paths in a myriad of other innocuous factual circumstances would suddenly loom large as possible avenues of taint.

2. Neither Charter Solutions, nor Lincoln Fillmore, nor H-Wire Had Any Role for the Applicant in the Competitive Bidding Process

In this case, contrary to the speculation of USAC, no competitive bidding violation occurred. There was no conflict of interest, and the parties scrupulously observed the Commission’s rules, ensuring that its competitive bidding process remained fair and open. While Charter Solutions provided unrelated support services in unrelated areas to Paradigm HS, the parties took several steps to prevent Lincoln Fillmore, Charter Solutions, or H-Wire from exercising any degree of influence or control over the competitive bidding process or learning any impermissible “insider” information.

²⁹ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Letter of Appeal of Trillion Partners, Inc. (filed. Mar. 11, 2011), at 1.

First, at no time did Charter Solutions or Lincoln Fillmore have any responsibility for the E-rate competitive bidding process.³⁰ Indeed, as was reflected in the H-Wire Counsel's Letter, Charter Solutions played no role whatsoever in Paradigm HS technology program or decision-making at all. Rather, the services Charter Solutions provided to Paradigm HS were in fact limited to administrative and financial accounting support.

USAC likewise found no evidence that Charter Solutions or Lincoln Fillmore was involved in E-rate procurement for Paradigm HS. In fact, as described above, they were not. As indicated in the H-Wire Counsel's Letter, even in cases where Charter Solutions or Lincoln Fillmore did provide limited support for general procurement activities, those services did not do so for any procurement that would be supported by E-rate.³¹

Second, to drive this point even further home, Paradigm HS separately engaged a specialist E-rate consultant, KM Consulting, explicitly to manage E-rate application and procurement matters for FY 2016 and FY 2017. It is undisputed that this Consultant had no relationship whatsoever to Charter Solutions, Lincoln Fillmore, or H-Wire. Neither Paradigm HS nor the Consultant permitted Lincoln Fillmore, Charter Solutions, or H-Wire to be involved in the E-rate competitive bidding process or learn any "insider" information as those processes unfolded. After literally years of investigation, USAC has identified no communications between any of these parties that would create an actual conflict of interest or competitive advantage for H-Wire. It should thus be clear that those measures were effective. The competitive bidding process remained fair and open and was not tainted in any way.

³⁰ Thus, this case is fundamentally different from *Send Technologies* because, while Lincoln Fillmore had a small, passive minority interest in the service provider, H-Wire, he was not a school employee and did not serve as the Form 470 contact person.

³¹ Counsel's Letter at 2-3.

3. The Findings of the RFCDL Cannot Sustain a COMAD

The USAC Denial utterly fails to consider the carefully circumscribed role that Charter Solutions and Lincoln Fillmore actually filled at Paradigm HS. As a result, the two findings of fact articulated in the RFCDL fall far short of establishing any way in which H-Wire actually obtained “insider” information or other competitive advantage that would taint Paradigm HS’s competitive bidding process.

First, a competitive bidding violation cannot arise from the mere fact that Lincoln Fillmore held a passive minority investment in H-Wire while Charter Solutions provided administrative and financial accounting services to Paradigm HS that were unrelated to E-rate. Under Section 54.503(a) and Commission precedent, the conflict of interest arises when an individual or entity actually fills a dual role by acting on behalf of both the Applicant and a service provider bidder.³² Neither of USAC’s reasons establish such a role, because it did not exist.

Second, for similar reasons, the fact that Charter Solutions and H-Wire both had office space in the same building is irrelevant. As H-Wire explained in response to the SCIR, the two firms’ offices were located on different floors and were entirely separate from one another.³³ Each space could be secured independently of the other. There is no greater chance that those offices could be used as a forum for collusion than there would be if the offices had been located in different buildings.

³² See *Schools and Libraries Universal Service Support Mechanism, Requests for Review of Decisions of the Universal Service Administrator by Greeley Public School District, Greeley, NE, et. al.*, CC Docket No. 02-6, Order, DA 13-772, 28 FCC Rcd 6898 (Wir. Comp. Bur. 2013), at ¶ 4.

³³ Exhibit E.

Moreover, no such collusion could arise in any event, because *neither Charter Solutions nor Lincoln Fillmore was involved in any way with the Paradigm HS competitive bidding process*. They had no “inside” information to share. After three years of investigation, USAC failed to discover any evidence that H-Wire and Charter Solutions shared “insider” information on the Paradigm HS competitive bidding process, precisely because no such collusive sharing occurred or could have occurred.

B. If the Bureau Denies this Request for Review, It Should Direct USAC to Pursue Recovery from Paradigm HS

The COMAD and RFCDL are inconsistent as to whether USAC proposes to seek recovery from H-Wire alone, or from the Applicant and H-Wire jointly.³⁴ The Commission has been clear, however, that USAC should seek recovery in this case from the Applicant alone.

In creating the COMAD process, the Commission directed USAC, in pursuing recovery, to “make the determination, in the first instance, to whom recovery should be directed in individual cases.”³⁵ In doing so, the Commission directed USAC to consider factors including which party was in better position to prevent the statutory or rule violation, and which party committed the act or omission that forms the basis for the statutory or rule violation.³⁶

It is far from clear how USAC arrived at its assessment of culpability in this case. Indeed, given the conflicting COMAD and RFCDL, it is far from clear what that assessment is. As discussed above, USAC failed to identify any evidence of an actual violation of the rule it seeks to enforce. Thus, the funding commitment should be restored, and neither Paradigm HS nor H-Wire should be liable for the recovery of any E-rate funds.

³⁴ Compare Exhibit A, at 6, and Exhibit H, at Exh. 1.

³⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration and Fourth Report and Order, FCC 04-181, 19 FCC Rcd 15252 (2004) (“*Fourth Report and Order*”), at ¶ 15.

³⁶ *Id.*

If the Bureau were to disagree, and, therefore, deny this Request for Review, it should direct USAC to pursue recovery solely against Paradigm HS. The Commission's rules and precedents give the Applicant primary responsibility for conducting a fair and open competitive bidding process.³⁷ As described in the *MasterMind Order*, a violation occurs when the Applicant improperly surrenders control of the competitive bidding process.³⁸ There is otherwise no opportunity for the service provider to seize such control.

Recovery solely from the Applicant is particularly apt here. As described above, neither Charter Solutions, nor Lincoln Fillmore, nor H-Wire in fact received any "insider" information concerning the Paradigm HS E-rate procurement or competitive bidding process. To the extent that the Bureau finds a violation occurred simply because Paradigm HS failed to put sufficient safeguards in place to protect against the risk that a competitive violation would occur, even though it did not, then that responsibility again should lie solely with the Applicant.

³⁷ 47 C.F.R. § 54.503(b) (Unless under an exception, "an *eligible school, library, or consortium* that includes an eligible school or library shall seek competitive bids, pursuant to the requirements established in this subpart," including the requirement under 47 C.F.R. § 54.503(a) for the process to be "fair and open")

³⁸ *MasterMind Order* at ¶ 10 (finding that "*an applicant* violates the Commission's competitive bidding requirements when it surrenders control of the bidding process to a service provider that participates in that bidding process") (italics added for emphasis).

Conclusion

For the foregoing reasons, the Bureau should rescind the COMAD issued by USAC for Funding Year 2016 and direct USAC to discontinue its efforts to recover the associated funding.

Should the Bureau uphold any of the COMADs at issue in this Request for Review, it should direct USAC to pursue recovery against Paradigm HS, who was in full control of its competitive bid process.

Respectfully submitted,



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Counsel for H-Wire Technology Solutions

Declaration of Jonathan Hagen

I, Jonathan Hagen, make the following declaration in support of the foregoing "Request of H-Wire Technology Solutions for Review of a Decision of the Universal Service Administrative Company" (the ("Request for Review")).

I am Managing Partner of H-Wire Technology Solutions ("H-Wire"), a position I have held since Jan 1, 2011 and covering the entire time period relevant to this Request for Review. In that role, I supervised the preparation and submission of the H-Wire response to Funding Year 2016 Form 470 (No. 160045227) posted by Paradigm High School (Charter) ("Paradigm HS") to seek E-rate support for Internal Connections equipment and services.

To the best of my information, knowledge and belief:

1. The factual representations made in the Request for Review are true and complete.
2. At no time during the FY 2016 competitive bidding process did H-Wire receive "inside" information about Paradigm HS's technology needs or vendor selection process, nor did H-Wire seek or obtain the ability to exert any control over Paradigm HS's conduct of the competitive bidding or vendor selection processes.
3. In particular, neither I nor any owner, employee, or other representative of H-Wire had any involvement in the competitive bid process.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed September 26, 2019

Jonathan Hagen



EXHIBIT A



July 29, 2019

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Jonathan Hagen
H-Wire Technology Solutions
12608 S 125 W
Suite C
Draper, UT 84020
jon@h-wire.com

SPIN: 143036050

Post Commitment Wave: 101

Totals

Original Commitment Amount	\$12,034.09
Revised Commitment Amount	\$0.00

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **FCC Form 486.** If your applicant(s) has not already filed the **FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, please make sure they review CIPA requirements and file the form(s).



Service Provider: H-Wire Technology Solutions

SPIN: 143036050

Post Commitment Wave: 101

2. **Make sure your applicant(s) file the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if they have not already done so. Please make sure they review the CIPA requirements and file the form(s).
 - **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
3. **Invoice USAC**, if you or your applicant(s) have not already done so. Work with your applicant(s) to determine if you will bill them at a discounted rate or if they will request reimbursement from USAC after paying their bills in full.
 - **If the applicant is invoicing USAC:** They must pay you (the service provider) the full cost for the services they receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If you (the service provider) are invoicing USAC:** You must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, you must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.



Service Provider: H-Wire Technology Solutions

SPIN: 143036050

Post Commitment Wave: 101

- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Service Provider: H-Wire Technology Solutions

SPIN: 143036050

Post Commitment Wave: 101

Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	BEN Name	Request Type	Revised Committed	Review Status
1699126417	PARADIGM HIGH SCHOOL (CHARTER)	Appeals	\$0.00	Denied



Service Provider: H-Wire Technology Solutions

SPIN: 143036050

Post Commitment Wave: 101

Post Commitment Request Number: 151728	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699126417	Service Type: Internal Connections	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$0.00	
Discount Rate		50.00%	
Revised Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2017
Contract Award Date	5/24/2016
Service Delivery Deadline	9/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	H-Wire Technology Solutions
SPIN (498ID)	143036050
Contract Number	H22197
Account Number	H22197
Establishing FCC Form 470	160045227

Billed Entity Information	
BEN Name	PARADIGM HIGH SCHOOL (CHARTER)
BEN	16044438
FCC Form 471	161054677

Consultant Information	
Consultant Name	Gavin Swenson
Consultant's Employer	KMConsulting
CRN	17004673

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

After a thorough investigation, it was determined that this funding commitment must be rescinded in full. Charter Solutions, was determined to be associated with the service provider H-Wire Technology Solutions for the FRN(s). Specifically, the President of Charter Solutions, Lincoln Fillmore maintains a minority interest in H-Wire Technology Solutions. Additionally, Charter Solutions and H-Wire Technology Solutions are physically located in the same building. FCC rules require applicants to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor any individual or organization working on the applicants behalf should have a relationship with a service provider prior to the competitive bidding that would unfairly influence



Service Provider: H-Wire Technology Solutions

SPIN: 143036050

Post Commitment Wave: 101

the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC sought recovery of any improperly disbursed funds from the applicant and service provider. On appeal, you have not demonstrated that USAC's determination was incorrect. Consequently, your appeal is denied.

EXHIBIT B



FCC Form 470 – Funding Year 2016

Form 470 Application Number: 160045227

Paradigm FY2016 470 Cat 2

Billed Entity

PARADIGM HIGH SCHOOL (CHARTER)
11577 SOUTH 3600 WEST
SOUTH JORDAN, SALT LAKE, UT 84095
801-676-1018
fseminario@paradigmhigh.org

Contact Information

Gavin Swenson
gavin@kmconsult.org
801-597-4131

Billed Entity Number: 16044438

FCC Registration Number: 0025521287

Application Type

Applicant Type: School

Recipients of Services: Charter School; Public School

Number of Eligible Entities: 1

Consulting Firms

Name	Consultant Registration Number	Phone Number	Email
KM Consulting	17004673	801-597-4131	Jessica@kmconsult.org

Consultants

Name	Phone Number	Email
Gavin Swenson	801-597-4131	gavin@kmconsult.org

RFPs

Id	Name
18697	ParadigmHighRFPFY2016

Category One Service Requests

Service Type	Function	Other	Minimum Capacity	Maximum Capacity	Entities	Quantity	Unit	Installation and Initial Configuration?	Maintenance and Technical Support?	Associated RFPs
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Description of Other Functions

Id	Name
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Narrative

Category Two Service Requests

Service Type	Function	Manufacturer	Other	Entities	Quantity	Unit	Installation and Initial Configuration?	Associated RFPs
Internal Connections	Wireless Controller	No Preference			1	Each	Yes	18697
Internal Connections	WAP	No Preference			20	Each	Yes	18697

Service Type	Function	Manufacturer	Other	Entities	Quantity	Unit	Installation and Initial Configuration?	Associated RFPs
Internal Connections	Firewall Service and Components	No Preference			1	Each	Yes	18697
Internal Connections	Switches	No Preference			4	Each	Yes	18697
Internal Connections	Cabling	No Preference		1	6000	Feet	Yes	18697

Description of Other Manufacturers

Id	Name
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Narrative

Please read the attached RFP carefully. All questions must be submitted via email to gavin@kmconsult.org 14 days prior to bid close. Responses to all questions asked will be forwarded to the group of vendors who asks questions.

Technical Contact

State and Local Procurement Restrictions

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Recipients of Service

Billed Entity Number	Billed Entity Name
16044438	PARADIGM HIGH SCHOOL (CHARTER)

Certifications

I certify that the applicant includes:

I certify that the applicant includes schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million.

Other Certifications

I certify that this FCC Form 470 and any applicable RFP will be available for review by potential bidders for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.

I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge

that I may be audited pursuant to participation in the schools and libraries program. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs. I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

NOTICE:

In accordance with Section 54.503 of the Federal Communications Commission's ("Commission") rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information requested in this form. We will use the information you provide to determine whether you have complied with the competitive bidding requirements applicable to requests for universal service discounts. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, the information you provide in this form may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information you provide in this form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form, or in response to subsequent inquiries, may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide in this form may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC or Universal Service Administrator may return your form without action or deny a related request for universal service discounts.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 3.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

Gavin Swenson
KM Consulting
4507 W Kootenai St.
Riverton, UT 84096
801-597-4131
gavin@kmconsult.org

Certified Timestamp

04/25/2016 01:36 PM EDT

REQUEST FOR PROPOSAL

**RFP# PARADIGM HIGH SCHOOL FY2016 ERATE
FCC FORM 470#**

APPLICANT

**Paradigm High School (BEN 16044438)
11577 3600 W, South Jordan, UT 84095
(801) 302-7261**



Date of RFP Issue: 04/25/2016

**DUE DATE for Bid Submissions:
Monday, 5/23/2016 12:00PM**

- Bids must be submitted **VIA EMAIL** to the consulting agency for the applicant.
- Consulting Agency:

KM Consulting
Contact: Gavin Swenson
Email: gavin@kmconsult.org

NOTE: Please use the RFP# above on all RFP correspondence. All questions must be asked via email — responses will be sent to the group who asks the questions.

The following information is included in this RFP:

- General Information
- Bid Specifications
- Submission Guidelines
- RFP Conditions

General Information

History

- Paradigm High School is a public charter school located in South Jordan Utah. It received its charter on July 13, 2005, and opened in September 2006. Paradigm High has about 600 students 7-12th grade and serves approximately 20% free and reduced school lunch students.

Purpose

- The purpose of the RFP is to solicit bids for wireless network equipment for Paradigm High School's E-Rate program FY2016. Paradigm High currently has a connection speed of 1-Gbps with UEN.

Key Dates

- This project will start July 1 2016 contingent on USAC/E-Rate funding.

Questions and Answers

- **All questions must be submitted via email 14 days prior to bid close.** Use the RFP# above on all RFP correspondence. Responses to all questions asked will be forwarded to the group of vendors who asks questions.
-

Bid Specifications

Category 1

- 10 phone lines (VOIP)

Category 2

Internal Connections

- WIRELESS CONTROLLER
 - One wireless controller if needed
 - Must be able to manage at least 25 wireless access points
 - No preference on manufacturer
- WIRELESS ACCESS POINTS
 - Twenty (20) WAPs
 - Includes configuration and all components necessary to be fully operational
 - No preference on manufacturer

It is expected that the winning bidder must provide -45db wireless coverage per classroom to students and other patrons at 20 locations throughout the buildings. It is expected the the winning vendor will supply a solution that will meet or exceed the following criteria:

- All radios on the wireless platform must be software programmable, each capable of operating on either 5GHz or 2.4GHz, to support all-802.11ac operation on the device and enabling the migration of radios to a 100% 802.11ac network over time
- All radios in the AP must be capable of running 802.11ac WAVE 2
- Wireless platform must support sufficient uplink capacity to accommodate the user density and capacity requirements of the unit, with increasing uplink capacity the greater the number of radios per unit
- Wireless platform must support full function DPI engine in each unit comprehensive application visibility and policy enforcement (QoS, rate limiting, blocking, time of day access, etc.) to ensure rock solid wireless service, even under heavy network load

- Wireless platform must support ability to assign specific Wi-Fi modes (802.11a/b/g/n/ac) and/or specific SSIDs to specific radios helps isolate clients types to optimize system performance
- Wireless platform must support systematic validation of operational status of radio resources, network services (servers/gateways) and client status (connection quality) to ensure optimal network operation and user experience.
- Wireless platform must support an integrated, distributed controller function with full system functionality, to eliminate the potential single point of failure and bottleneck/chokepoint of a centralized system.
- Wireless platform must support automatic association of otherwise non-connected clients to Wi-Fi to help clear the RF spectrum, in particular to help improve performance in the congested 2.4GHz band
- Wireless system must support the automatic assignment of wireless stations to radios based on band (5GHz/2.4GHz) and Wi-Fi mode (802.11a/b/g/n/ac) to optimize client performance. Where possible, all stations of like type shall be assigned to their own radios so slower clients do not impede faster ones.

- FIREWALL
 - One (1) Gigabit Firewall
 - 4 gig ports on each firewall
 - With 1 year of support
 - No preference on manufacturer

- SWITCHES
 - Four (4) of the following specification switches.
 - 48 1GB Ports
 - Power over Ethernet PLUS (PoE+)
 - Layer 3 switches
 - Includes configuration and all components necessary to be fully operational
 - No preference on manufacturer

- NETWORK CABLING
 - Forty-five (45) cable runs
 - Pulling Cat 6 wires to each AP location
 - Pulling Cat 6 wires to 25 other network locations
 - 6000 feet of wire

- No preference

- INSTALLATION

- Installation and configuration for Internal Broadband Components including travel and per diem.
- 8x5 support requested on all hardware
- It is expected that the winning bidder will provide install of equipment for wireless & wired network over the summer months in 2016.

Other

- It is expected that the winning bidder will obtain all necessary and appropriate approvals, permits and authorizations to perform work as indicated.
 - It is expected that the winning bidder will comply with all applicable federal statutes and Americans with Disabilities Act (ADA) regulations.
-

Submission Guidelines

Bidder's Profile

- As applicable, bidders must identify relevant administrative, management, and financial capabilities as well as technical skills, qualifications and experience necessary and appropriate to the evaluation of their ability to successfully complete the proposed project and meet the objectives of the RFP.
Bidders will provide with their proposals at least three (3) references, including contact information of completed projects of a similar nature.
- All service providers must provide a Service Provider Identification Number (SPIN) assigned by the Schools & Libraries Division (SLD) of the Universal Service Administrative Company (USAC).
- All service provider must have a FCC registration number assigned by the Federal Communications Commission. The service provider must be in good status with the FCC.
- Proposal revisions must be received prior to the RFP submission due date and time.

Bid submission requirements

- Letter of Introduction:
 - Bidder name, SPIN, contact person, address, telephone number, fax number and a brief introduction to the bidding company, signed by person(s) authorized to bind the company to their proposed offer.
- Full details of the bidder's proposal including:
 - Product description, price, quantity, freight and delivery, specification and other information relevant to the evaluation of the products or service requested. As applicable, explanations of how all RFP/Project specifications will be achieved.

- Pricing:
 - Indicate the proposal pricing as requested. Proposals must include a total cost (E-Rate eligible and ineligible cost) with supporting budgets as applicable.
- Certification:
 - Proposals should include a signed certification similar to the following:
“The statements made in this proposal are true and correct representations. If selected, [bidding company] shall negotiate changes in good faith with the school.”

- **Bids must be submitted VIA EMAIL to the consulting agency for the applicant.**

- Consulting Agency:

KM Consulting
Contact: Gavin Swenson
Email: gavin@kmconsult.org

- Bids submitted after the bid close date/time will be rejected.
-

RFP Conditions

Evaluation Criteria

- Evaluation criteria used to evaluate proposals fall into the following categories:
 - Price of proposal and supporting budgets, prior experience with the applicant, technical merit, design quality and organization of proposal, local or in state vendor, and delivery plan and installation schedule.
- The applicant will select the winning bid based on a Bid Evaluation Matrix with *price of proposal and supporting budgets* most heavily weighted.

Acceptance of Proposal

- Bid will be awarded to the firm whose proposal is determined to be the most advantageous to the school after consideration of all criteria.
 - The winning bidder will receive the award in writing.
 - The applicant reserves the right to reject any or all proposals or to waive any formality or technicality in the best interest of the school.
-

EXHIBIT D

OMB 3060-0806
FCC Form 471

Approval by OMB
November 2015



Description of Services Ordered and Certification Form 471

FCC Form 471

Application Information

Nickname PARADIGM 471 CAT 2 FY 2016 **Application Number** 161054677
Funding Year 2016 **Category of Service** Category 2

Billed Entity

PARADIGM HIGH SCHOOL (CHARTER)
11577 SOUTH 3600 WEST SOUTH JORDAN UT 8
4095
801-676-1018
fseminario@paradigmhigh.org

Contact Information

Gavin Swenson
801-597-4131
gavin@kmconsult.org

Billed Entity Number 16044438
FCC Registration Number 0025521287
Applicant Type School

Holiday/Summer Contact Information Email is best

Consulting Firms

Name	Consultant Registration Number	City	State	Zip Code	Phone Number	Email
KM Consulting	17004673	Riverton	UT	84096	801-597-4131	Jessica@kmconsult.org

Entity Information

School Entity - Details

BEN	Name	Urban/Rural	State LEA ID	State School ID	NCES Code	Alternative Discount	School Attributes	Endowment
16044438	PARADIGM HIGH SCHOOL (CHARTER)	Urban	700	9C		Survey	Charter School; Public School	None

School Entity - Discount Rate Calculation Details

BEN	Name	Urban/Rural	Number of Students	Students Count Based on Estimate	CEP Percentage
16044438	PARADIGM HIGH SCHOOL (CHARTER)	Urban	587	No	

Related Entity Information

Discount Rate

School Enrollment	School NSLP Count	School NSLP Percentage	School Urban/Rural Status	Category One Discount Rate	Category Two Discount Rate	Voice Discount Rate
587	142	25.0%	Urban	50%	50%	10%

Funding Request for FRN #1699126417

Funding Request Nickname: H22197

Service Type: Internal Connections

Agreement Information - Contract

Contract Number	H22197	Account Number	H22197
Establishing FCC Form 470	160045227	Service Provider	H-Wire Technology Solutions (SPN: 143036050)
Was an FCC Form 470 posted for the product and/or services you are requesting?	Yes	Based on State Master Contract?	No
Award Date	May 24, 2016	Based on a multiple award schedule?	No
How many bids were received for this contract?	3	Includes Voluntary Extensions?	No
What is the service start date?	July 01, 2016	Remaining Voluntary Extensions	
		Total Remaining Contract Length	
		What is the date your contract expires for the current term of the contract?	June 30, 2017

Document Name	Document Description
H22197.pdf	

Pricing Confidentiality

Is there a statute, rule, or other restriction which prohibits publication of the specific pricing information for this contract? No

Narrative Upgrade wireless, switching, firewall, cabling at Paradigm High

Line Item # 1699126417.001

Product and Service Details

Type of Internal Connection	Miscellaneous	Type of Product	Fees, Taxes, etc.
Make	Other	Model	Shipping and Handling
Is installation included in Price?	No	Is the hardware for this FRN line item leased?	No

Cost Calculation for FRN Line Item # 1699126417.001

Monthly Cost	
Monthly Recurring Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00
Monthly Quantity	x 0
Units	0
Total Monthly Eligible Recurring Costs	= \$0.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$0.00

One-Time Cost	
One-time Unit Cost	\$164.20
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$164.20
One-time Quantity	x 1
Total Eligible One-time Costs	= \$164.20
Summary	
Total Eligible Recurring Costs	\$0.00
Total Eligible One-time Costs	+ \$164.20
Pre-Discout Extended Eligible Line Item Cost	= \$164.20

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$164.20

Line Item # 1699126417.002

Product and Service Details

Type of Internal Connection	Miscellaneous	Type of Product	Installation, Activation, & Initial Configuration
Make	Other	Model	H-Wire
Is installation included in Price?Yes		Is the hardware for this FRN lineNo item leased?	

Cost Calculation for FRN Line Item # 1699126417.002

Monthly Cost	
Monthly Recurring Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00
Monthly Quantity	x 0
Units	0
Total Monthly Eligible Recurring Costs	= \$0.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$0.00

One-Time Cost	
One-time Unit Cost	\$47.50
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$47.50
One-time Quantity	x 35
Total Eligible One-time Costs	= \$1,662.50
Summary	
Total Eligible Recurring Costs	\$0.00
Total Eligible One-time Costs	+ \$1,662.50
Pre-Discout Extended Eligible Line Item Cost	= \$1,662.50

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$1,662.50

Line Item # 1699126417.003

Product and Service Details

Type of Internal Connection	Cabling/Connectors	Type of Product	Cabling
Make	Other	Model	Cat 6
Is installation included in Price?	Yes	Is the hardware for this FRN line item leased?	No

Cost Calculation for FRN Line Item # 1699126417.003

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$0.00	One-time Unit Cost	\$40.00
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00	One-time Eligible Unit Cost	= \$40.00
Monthly Quantity	x 0	One-time Quantity	x 45
Units	0	Total Eligible One-time Costs	= \$1,800.00
Total Monthly Eligible Recurring Costs	= \$0.00	Summary	
Months of Service	x 12	Total Eligible Recurring Costs	\$0.00
Total Eligible Recurring Costs	= \$0.00	Total Eligible One-time Costs	+ \$1,800.00
		Pre-Discout Extended Eligible Line Item Cost	= \$1,800.00

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$1,800.00

Line Item # 1699126417.004

Product and Service Details

Type of Internal Connection	Wireless Data Distribution	Type of Product	Access Point
Make	Xirrus	Model	XR-630-ERATE-CLOUD-5
Is installation included in Price?	No	Is the hardware for this FRN line item leased?	No

Cost Calculation for FRN Line Item # 1699126417.004

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$0.00	One-time Unit Cost	\$650.31
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00	One-time Eligible Unit Cost	= \$650.31
Monthly Quantity	x 0	One-time Quantity	x 20
Units	0	Total Eligible One-time Costs	= \$13,006.20
Total Monthly Eligible Recurring Costs	= \$0.00	Summary	

Months of Service	x 12	Total Eligible Recurring Costs	\$0.00
Total Eligible Recurring Costs	= \$0.00	Total Eligible One-time Costs	+ \$13,006.20
		Pre-Discount Extended Eligible Line Item Cost	= \$13,006.20

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$13,006.20

Line Item # 1699126417.005

Product and Service Details

Type of Internal Connection	Data Distribution	Type of Product	Switch
Make	Hewlett Packard	Model	J9772A#ABA
Is installation included in Price?	No	Is the hardware for this FRN line item leased?	No

Cost Calculation for FRN Line Item # 1699126417.005

Monthly Cost		One-Time Cost	
Monthly Recurring Unit Cost	\$0.00	One-time Unit Cost	\$1,473.38
Monthly Recurring Unit Ineligible Costs	- \$0.00	One-time Ineligible Unit Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00	One-time Eligible Unit Cost	= \$1,473.38
Monthly Quantity	x 0	One-time Quantity	x 4
Units	0	Total Eligible One-time Costs	= \$5,893.52
Total Monthly Eligible Recurring Costs	= \$0.00	Summary	
Months of Service	x 12	Total Eligible Recurring Costs	\$0.00
Total Eligible Recurring Costs	= \$0.00	Total Eligible One-time Costs	+ \$5,893.52
		Pre-Discount Extended Eligible Line Item Cost	= \$5,893.52

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$5,893.52

Line Item # 1699126417.006

Product and Service Details

Type of Internal Connection	Data Protection	Type of Product	Firewall Services & Components
Make	Other	Model	PF Sense
Is installation included in Price?	No	Is the hardware for this FRN line item leased?	No

Cost Calculation for FRN Line Item # 1699126417.006

Monthly Cost	
Monthly Recurring Unit Cost	\$0.00
Monthly Recurring Unit Ineligible Costs	- \$0.00
Monthly Recurring Unit Eligible Costs	= \$0.00
Monthly Quantity	x 0
Units	0
Total Monthly Eligible Recurring Costs	= \$0.00
Months of Service	x 12
Total Eligible Recurring Costs	= \$0.00

One-Time Cost	
One-time Unit Cost	\$1,541.76
One-time Ineligible Unit Costs	- \$0.00
One-time Eligible Unit Cost	= \$1,541.76
One-time Quantity	x 1
Total Eligible One-time Costs	= \$1,541.76
Summary	
Total Eligible Recurring Costs	\$0.00
Total Eligible One-time Costs	+ \$1,541.76
Pre-Discount Extended Eligible Line Item Cost	= \$1,541.76

Recipients of Services

BEN	Name	Amount
16044438	PARADIGM HIGH SCHOOL (CHARTER)	\$1,541.76

FRN Calculation for FRN #1699126417

Monthly Charges	
Total Monthly Recurring Charges	\$0.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$0.00
Total Number of Months of Service	x 12
Total Eligible Pre-Discount Recurring Charges	= \$0.00

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$0.00
Total Eligible Pre-Discount One-Time Charges	+ \$24,068.18
Total Pre-Discount Charges	= \$24,068.18
Discount Rate	50%
Funding Commitment Request	= \$12,034.09

One-Time Charges	
Total One-Time Charges	\$24,068.18
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$24,068.18

Connectivity Questions

Per Entity Basis Questions

Entity Name PARADIGM HIGH SCHOOL (CHARTER) Entity Number 16044438

What is the total bandwidth speed from this location (including non E-rate supported services)?

Download Speed 1.00 Download Speed Units Gbps

Upload Speed 1.00 Upload Speed Units Gbps

What is the predominant connection type coming to this location? Fiber How sufficient is the quality of the Wi-Fi at this location? Never

What are your biggest barriers to having a robust internal network in your classrooms at this location? Inconsistent service/frequent outages and down time If Other, please specify

Certifications

I certify that the entities listed in this application are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

Total Funding Summary

Below is a summary of the total line item costs on this FCC Form 471:

Summary	
Total funding year pre-discount eligible amount on this FCC Form 471	\$24,068.18
Total funding commitment request amount on this FCC Form 471	\$12,034.09
Total applicant non-discount share of the eligible amount	\$12,034.09
Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
Total amount necessary for the applicant to pay the non-discount share of eligible and any ineligible amounts	\$12,034.09
Are you receiving any of the funds directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year?	No
Has a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds needed to pay your non-discounted share?	No

I certify an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, as prohibited by the Commission's rules at 47 C.F.R. § 54.503(d), other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

Notice

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to submit an application for such discounts by filing this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the application requirements for universal service discounts contained in 47 C.F.R. § 54.504. Schools and libraries must file this form themselves or as part of a consortium. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving your application for universal service discounts is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application for universal service discounts may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public. If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized. If you do not provide the information we request on the form, the FCC or the Universal Service Administrator may delay processing of your application for universal service discounts or may return your application without action. The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq. Public reporting burden for this collection of information is estimated to average 4.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554. We also will accept your comments via the email if you send them to PRA@FCC.gov. DO NOT SEND COMPLETED WORKSHEETS TO THESE ADDRESSES.

Authorized Person

Title:	E-Rate Consultant	Name:	Gavin Swenson
Phone:	801-597-4131	Email:	gavin@kmconsult.org
Address:	4507 W Kootenai St. Riverton UT 84096	Employer:	Gavin Swenson

Certified Timestamp 25-May-2016 23:05:53 EDT



FY 2015 E-rate Application Information Request

7/11/2016

Jonathan Hagen
H-Wire Technology Solutions SPIN 143036050
Phone: 801-301-3468
E-mail: jon@h-wire.com

Response Due Date: 7/26/2016

Dear Service Provider:

USAC has evidence that Lincoln Fillmore is the President of Charter Solutions/Charter Schools, Inc., and has an association with (i.e. a financial interest with), and/or is an employee of, H-Wire Technology Solutions, LLC (SPIN 143036050). Schools and Libraries Program records show that schools that are members of Charter Schools, Inc. have H-Wire Technology Solutions, LLC as a service provider for E-rate funding requests, creating a potential conflict of interest. As the program administrator, we are obligated to follow up to ensure program compliance. To help us better understanding the situation, please address the following:

- A. Please explain how the potential conflict of interest of Lincoln Fillmore's as the President of Charter Solutions/Charter Schools, Inc., while also associated with, and/or employed by H-Wire Technology Solutions, was mitigated for each of the schools under the Charter Schools, Inc. umbrella who use H-Wire Technology Solutions, LLC as a service provider in the Schools and Libraries Program..
 - a. H-Wire is aware that Lincoln Fillmore is a member of H-Wire and shareholder of Charter Solutions and took proactive steps to mitigate any perceived or actual conflict. To that end, Lincoln Fillmore was not present or involved in any technology discussion, technology planning, conference, teleconference, bid response strategy at H-Wire at any time for E-Rate funded or non E-Rate business. Thus eliminating any perceived or actual conflict of interest in any and all H-Wire business.
- B. Please explain why the address 12608 S 125 W Suite C, Draper, UT 84020, as indicated on Charter Solutions website http://www.chartersolutions.org/about_us.html, is also listed as an address for H-Wire Technology Solutions in Schools and Libraries Program databases. Do Charter Schools, Inc. and H-Wire Technology Solutions, LLC share office space? Are these institutions one and the same?
 - a. H-Wire sub-leases a completely separate and independent floor of suite C to Charter Solutions.
 - b. Do we share office space? No, see response A.
 - c. Are the institutions one and the same? No, we are completely separate entities and organizations. H-Wire has no ownership or stake in Charter Solutions.

Response due: 7/26/2016

- C. Please provide a list of the names and titles of H-Wire Technology Solutions employees.
- a. Jon Hagen, Managing Member
 - b. Mat Morduck, Manager
 - c. David Hatch, Infrastructure Manager
 - d. Mike Mason, Project Manager
 - e. Kyle Thompson, Client Relations Manager
 - f. Alex Veater, IT Specialist
 - g. Jesse Singleton, IT Specialist
 - h. Tommy Miller, IT Specialist
 - i. Todd Parris, IT Specialist
 - j. Brayden Farley, IT Specialist
 - k. Luke Bullard, IT Specialist
 - l. Brayden Bird, IT Specialist
 - m. Kim Mott, IT Specialist
 - n. Siala Iputi, Special Projects
 - o. Kyle Bullock, IT Specialist
 - p. Elliott Cunningham, IT Specialist
 - q. Kyle Baker, IT Specialist
 - r. Troy Rashak, IT Specialist
- D. Please indicate if Lincoln Fillmore has a financial interest in H-Wire Technology Solutions, LLC.
- a. Lincoln Fillmore is a minority (silent) member of H-Wire, owning 11% of the member units. Lincoln receives no compensation for any services and provides no services to H-Wire. His only association is as a member of the LLC and receives a small (11%) portion of distributions.
- E. Please indicate if Lincoln Fillmore is compensated in any way by H-Wire Technology Solutions, LLC.
- a. Lincoln Fillmore is not employed by H-Wire. Lincoln receives no compensation for any services and provides no services to H-Wire. His only association is as a member of the LLC and receives a small (11%) portion of distributions.

Response Reminders

Please email or fax the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review of your application(s). **Failure to send all of the information requested may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your FCC Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Special Compliance Information Request

Page **3** of **4**

Response due: 7/26/2016

Sincerely,

Fabio Nieto

Special Compliance Case Management

Phone: 973-581-5045

Fax: 973-599-6552

E-mail: Fabio.Nieto@sl.universalservice.org

Special Compliance Information Request Certification


Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

Response due: 7/26/2016

Complete and return the enclosed Certification to the Schools and Libraries Division (SLD). If the applicant's authorized representative completed the information in this document, please *attach a copy of the letter of agency or other agreement* between the applicant and consultant authorizing them to act on the school or library's behalf.

Please note that if an authorized representative signs this form, an authorized school or library official is also required to sign in the space provided below.

Note: If a consultant was used, a school official MUST sign below.

CERTIFICATION	
<p>I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of H-Wire Technology Solutions SPIN 143036050 the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.</p> <p>I declare under penalty of perjury that the foregoing is true and correct. Executed on <u>21</u> day of <u>July</u>, 2016 at <u>Draper</u> [city], <u>UT</u> [state].</p>	
Signature 	Date 21-JUL-16
Print Name Jon Hagen	Title Manager
Employer H-Wire	
Telephone Number 801-301-3468	Fax Number
Email Address jon@h-wire.com	
Address 12608 S 125 W STE C Draper UT 84020	
Authorized School or Library Official's Signature and Title	Date
Print Name of Authorized School or Library Official Named Above	

August 2, 2018

VIA EMAIL AND U.S. MAIL

Fabio Nieto
Special Compliance, Case Management
SCHOOLS AND LIBRARIES DIVISION – CORRESPONDENCE UNIT
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07054
Fabio.nieto@sl.universalservice.org

Re: *H-Wire Technology Solutions*

Mr. Nieto:

Our firm has been retained to represent H-Wire Technology Solutions (“H-Wire”) with respect to your recent decision to deny or rescind FRNs for fiscal years 2015 to 2018 (the “Denial”). We write this letter to seek reconsideration, as well as to seek documentation or information in your possession, custody or control which you believe supports the Denial. We seek that evidence, if it exists, for purposes of a potential appeal that we hope will not be necessary.

The Denial appears to be entirely based on an alleged conflict of interest. Standing alone, a potential conflict of interest, appropriately addressed, cannot form a reasonable basis for the Denial. For example, USAC’s guidance (<https://www.usac.org/sl/applicants/beforeyoubegin/esa.aspx>) specifically allows for “potential conflicts” to be “resolved” by providing “functional separation” between roles. Such steps were taken here. Moreover, the Denial does not cite any rule, regulation, or guidance that H-Wire violated, because there has been no violation. If there is no violation, as H-Wire asserts, the Denial would be arbitrary and capricious.

As explained to you more than two years ago, while Mr. Fillmore does own a passive minority interest in H-Wire, functional separation was established between H-Wire and Charter Solutions. Specifically, Mr. Fillmore did not participate in any discussions, meetings, conversations, applications, or decisions regarding the School and Libraries Program (“SLP”) with any Charter Solutions client school. Further, he had no role in any part of the application process of any applicant of the SLP.

As further evidence of a functional separation, and also as previously explained, Mr. Fillmore has no role in H-Wire's operations in the SLP or any other aspect of H-Wire's operations. Further, he never consulted about, advised on, or participated in any proposal with any vendor, client, or recipient under the SLP. Even more specifically, he did not assist any client school of Charter Solutions with its competitive bidding process in SLP or any other program. He did not communicate with H-Wire prior to or during the selection process regarding any applicant to the SLP and had no involvement in the competitive bidding process for any applicant or vendor.

Mr. Fillmore does not receive any share of the revenue received from SLP. In addition, he has no involvement in the management, operations, or business activities of H-Wire.

All of this information was communicated to you formally, at your request. Mr. Fillmore is willing to provide a sworn statement reiterating that each of these representations is true. You have not disputed any of these facts, nor provided any evidence that places any of these facts in doubt.

In addition to his previous statements to you, Mr. Fillmore also would provide a sworn statement that the following facts also are true: (1) he did not assist any SLP applicant with its competitive bidding process or any other part of the SLP program in any way; (2) he participated in no meetings, conversations, or decisions, nor provided any assistance to any applicant or vendor under the SLP.

And while H-Wire and Charter Solutions are in the same building, there are no overlapping employees and no shared space. Again, this is a reflection of functional separation as well as physical separation. Moreover, and as also explained years ago and as reflected in the Service Agreement you cite in your Denial, Charter Solutions plays no role in the schools' technology, whatsoever, which includes purchasing technology. Simply put, the SLP program is not an included service in Charter Solutions-provided services to schools.

As further proof of functional separation, several of the schools you listed engaged a separate e-rate consultant to guide them through the process. These schools are the following:

- Excelsior Academy (in 2018)
- Utah Military Academy (in 2017)
- Providence Hall (in 2017)
- Athlos Academy of Utah (in 2017)
- Treeside Charter School (in 2017)
- Paradigm (in 2017 and 2016)
- American International (in 2016)

Respectfully, in addition to overlooking undisputed facts demonstrating functional separation, the Denial also contains numerous factual errors, including at least the following:

1. Salt Lake Arts Academy is not a client of Charter Solutions, a fact which we believe has been previously communicated to you by Salt Lake Arts Academy.
2. American International School of Utah was not a client of Charter Solutions until 2018, two years after the FRN in question.
3. Athlos Academy Jefferson Parish is not a client of Charter Solutions.
4. You have confused marketing material (*potential* services listed on a website) with actual services provided to schools.
5. The claim that Charter Solutions is “intimately involved” in procurement activities on behalf of clients is untrue. In fact, the only contractual evidence cited for this claim is that Charter Solutions “assists” its clients with procurement, which in fact means that the school explains the rules for purchasing under any program, helps school purchasing agents understand those rules, and then accounts for the purchases after the fact for purposes of reporting and financial compliance.

To say the least, H-Wire is deeply concerned about a Denial that purportedly resulted from “a thorough investigation,” where all facts listed in the Denial come from H-Wire or Charter Solutions directly and actually support H-Wire’s position.

The Denial also appears to overlook the fact that H-Wire serves only as a Service Provider, and not as a consultant or applicant.

The Denial also appears to overlook the fact that Mr. Fillmore played no role with any applicant in advising, consulting, or preparing any aspect of any applicant’s Form 470 or Form 471 or in vendor evaluation or selection for any school. Further, he had no role at H-Wire in submitting proposals under any Form 470. In short, he had no role in any aspect of the SLP process, either as a consultant, an applicant, or a service provider.

Appropriate supporting documentation has been provided to you for the facts asserted in this letter.

If the Denial is not reversed, it would be an arbitrary and capricious exercise of regulatory power for at least the following three reasons: (1) there is no evidence or even an assertion that H-Wire’s conduct violates any USAC rule or even guidance; (2) instead the facts demonstrate total functional separation consistent with USAC guidance and those facts are undisputed; and (3) all documentation supports H-Wire’s position that it has achieved functional separation. See *Tennekoon v. Fanning*, 156 F. Supp. 3d 208, 216 (D.D.C. 2016) (it is arbitrary and capricious not to address a party’s non-frivolous, material arguments);

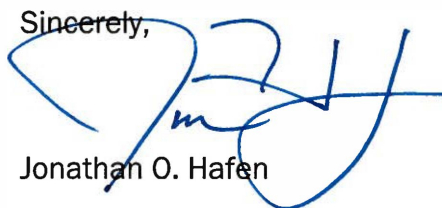
Fabio Nieto
August 2, 2018
Page 4

To the extent you have received information in the form of documents or statements from others that would dispute any of the three reasons above, please provide that information.

Absent such additional information, which H-Wire does not believe exists, H-Wire respectfully requests that you reconsider the Denial.

Should you wish to discuss these matters, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be "JOH", with a large, stylized flourish extending from the end.

Jonathan O. Hafen

JOH:mtg

4840-5002-2767

EXHIBIT G



Adjustment Report

FCC Form 471 Application Number:	161054677
Funding Request Number:	1699126417
Commitment Adjustment:	\$12,034.09
Total Amount to Be Recovered:	\$-12,810.59
Explanation(s):	Conflict of interest: Improper relationship between the applicant's consultant/ school official and the selected service provider
Party to Recover From:	BEN AND SPIN
Funding Year:	2016
Billed Entity Number:	16044438
Services Ordered:	Internal Connections
Service Provider Name:	H-Wire Technology Solutions
SPIN:	143036050
Original Funding Commitment:	\$12,034.09
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$11,257.59

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Charter Solutions, is determined to be associated with the service provider H-Wire Technology Solutions for the FRN(s). Specifically, the President of Charter Solutions, Lincoln Fillmore maintains a minority interest in H-Wire Technology Solutions. Additionally, Charter Solutions and H-Wire Technology Solutions are physically located in the same building. FCC rules require applicants to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor any individual or organization working on the applicants behalf should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of \$11,257.59 in improperly disbursed funds from the service provider.



USAC Letter of Appeal

Date: June 24, 2019

Applicant Name:
Paradigm High School
BEN # 16044438

Service Provider:
H-Wire Technology Solutions
SPIN 143036050

Contact Person for Appeal:
Jonathan Hagen
Managing Partner
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Draper, Utah 84020
jon@h-wire.com

USAC Action Being Appealed:

USAC Commitment Adjustment Letter (COMAD), dated May 31, 2019.

Funding Year	FCC Form 471	FRN	COMAD	Total Amount to Be Recovered	Party to Recover From
2016	161054677	1699126417	\$12,034.09	\$-12,810.59	Service Provider and BEN

Funding Commitment Adjustment Explanation:

“After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Charter Solutions is determined to be associated with the service provider H-Wire Technology Solutions for the FRN(s). Specifically, the President of Charter Solutions, Lincoln Fillmore maintains a minority interest in H-Wire Technology Solutions. Additionally, Charter Solutions and H-Wire Technology Solutions are physically located in the same building.



FCC rules require applicants to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor any individual or organization working on the applicant's behalf should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of \$11,257.59 in improperly disbursed funds from the service provider."

RESPONSE

I. Conflict of Interest Issue

First, the COMAD on its face is replete with error. The numbers are inconsistent, as are the parties named responsible for the COMAD.

Next, this alleged and unsupported "conflict of interest" issue has been under "investigation" for more than two years and has resulted in two findings based on information provided by H-Wire Technology Solutions (H-Wire) in an e-mail response to Fabio Nieto of Solix, subcontractor to USAC, dated October 4, 2016. First, that Lincoln Fillmore, President of Charter Solutions has a minority interest in H-Wire. Second, Charter Solutions and H-Wire are physically located in the same building. In the Funding Commitment Adjustment Explanation above and attached hereto as Exhibit 1, USAC then broadly summarizes a portion of the requirements for conducting a fair and open competitive bidding process, including the requirement to submit a Form 470, the requirement to conduct a "fair and open" process, and the prohibition on relationships between the applicant and service provider that "would unfairly influence the outcome of a competition or would furnish the service provider with 'inside' information or allow it to unfairly compete in any way." In the COMAD, USAC makes a giant conclusory leap from those statements to find that "H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process." Not only has USAC completely failed to allege any facts to support this finding (because none exist), but it has utterly disregarded ample evidence to the contrary provided to USAC by H-Wire over the past two years.

To reiterate, throughout the time period covered by this investigation, H-Wire and Charter Solutions have scrupulously maintained operational safeguards explicitly designed to maintain the integrity of the competitive bidding process undertaken by the Utah charter schools that have retained the services of Charter Solutions. H-Wire respects that USAC has a responsibility to protect taxpayer money against waste, fraud, and abuse. However, when USAC alleges a policy violation of a competitive bid rule, it also has the responsibility to conduct a fair and thorough investigation in a timely basis. Unfortunately, USAC did neither in this case.



In an undated letter from Fabio Nieto, received in September of 2018, Mr. Nieto states that it is USAC's intent to deny this FRN, among others. On August 2, 2018, our legal counsel provided a response refuting the basis of the findings and providing a thorough explanation of the safeguards in place to prevent any violation of the E-rate competitive bidding rules. Unfortunately, USAC never provided a response or explained why it disagreed with the facts set forth in that letter. Instead, it issued this COMAD. Again, H-Wire submits this letter attached hereto as Exhibit 2 and made a part of our response herein that provides detail as to why no conflict of interest issue existed between H-Wire and Paradigm High School.

In this case, H-Wire responded to Paradigm High School's FCC Form 470. H-Wire provided its bid response to the contact for Paradigm High School, who was listed on the FCC Form 470, and an independent consultant.

Nor does the passive minority investment of Lincoln Fillmore in H-Wire bar the company from bidding to serve schools where Charter Solutions performs services unrelated to E-rate. Charter Solutions occupies space that is physically separate and independently secured from that occupied by H-Wire. Lincoln Fillmore, as a passive investor, provides no strategic input and exercises no control over H-Wire's business decisions. He is not involved in the decision to bid or not to bid, or the terms on which to bid, to serve any school. Moreover, I do not discuss any E-rate matters with Lincoln Fillmore, nor does my staff.

In sum, H-Wire had absolutely no involvement other than stated above in the competitive bid process. Under the E-rate rules, it is solely the applicant's responsibility to conduct a fair and open competitive bid process. H-Wire has no window into that process through Charter Solutions or otherwise. USAC will have to turn to Paradigm High School for such details.

For the foregoing reasons, USAC should reinstate the funding to Paradigm High School.

Sincerely,
A handwritten signature in blue ink, appearing to read 'Jon Hagen', with a large, stylized flourish extending to the right.

Jon Hagen, Managing Partner
H-Wire Technology Solutions

EXHIBIT 1



Adjustment Report

FCC Form 471 Application Number:	161054677
Funding Request Number:	1699126417
Commitment Adjustment:	\$12,034.09
Total Amount to Be Recovered:	\$-12,810.59
Explanation(s):	Conflict of interest: Improper relationship between the applicant's consultant/ school official and the selected service provider
Party to Recover From:	BEN AND SPIN
Funding Year:	2016
Billed Entity Number:	16044438
Services Ordered:	Internal Connections
Service Provider Name:	H-Wire Technology Solutions
SPIN:	143036050
Original Funding Commitment:	\$12,034.09
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$11,257.59

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Charter Solutions, is determined to be associated with the service provider H-Wire Technology Solutions for the FRN(s). Specifically, the President of Charter Solutions, Lincoln Fillmore maintains a minority interest in H-Wire Technology Solutions. Additionally, Charter Solutions and H-Wire Technology Solutions are physically located in the same building. FCC rules require applicants to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor any individual or organization working on the applicants behalf should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since H-Wire Technology Solutions has engaged in an improper relationship with Charter Solutions and its president, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of \$11,257.59 in improperly disbursed funds from the service provider.

August 2, 2018

VIA EMAIL AND U.S. MAIL

Fabio Nieto
Special Compliance, Case Management
SCHOOLS AND LIBRARIES DIVISION – CORRESPONDENCE UNIT
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07054
Fabio.nieto@sl.universalservice.org

Re: *H-Wire Technology Solutions*

Mr. Nieto:

Our firm has been retained to represent H-Wire Technology Solutions (“H-Wire”) with respect to your recent decision to deny or rescind FRNs for fiscal years 2015 to 2018 (the “Denial”). We write this letter to seek reconsideration, as well as to seek documentation or information in your possession, custody or control which you believe supports the Denial. We seek that evidence, if it exists, for purposes of a potential appeal that we hope will not be necessary.

The Denial appears to be entirely based on an alleged conflict of interest. Standing alone, a potential conflict of interest, appropriately addressed, cannot form a reasonable basis for the Denial. For example, USAC’s guidance (<https://www.usac.org/sl/applicants/beforeyoubegin/esa.aspx>) specifically allows for “potential conflicts” to be “resolved” by providing “functional separation” between roles. Such steps were taken here. Moreover, the Denial does not cite any rule, regulation, or guidance that H-Wire violated, because there has been no violation. If there is no violation, as H-Wire asserts, the Denial would be arbitrary and capricious.

As explained to you more than two years ago, while Mr. Fillmore does own a passive minority interest in H-Wire, functional separation was established between H-Wire and Charter Solutions. Specifically, Mr. Fillmore did not participate in any discussions, meetings, conversations, applications, or decisions regarding the School and Libraries Program (“SLP”) with any Charter Solutions client school. Further, he had no role in any part of the application process of any applicant of the SLP.

As further evidence of a functional separation, and also as previously explained, Mr. Fillmore has no role in H-Wire's operations in the SLP or any other aspect of H-Wire's operations. Further, he never consulted about, advised on, or participated in any proposal with any vendor, client, or recipient under the SLP. Even more specifically, he did not assist any client school of Charter Solutions with its competitive bidding process in SLP or any other program. He did not communicate with H-Wire prior to or during the selection process regarding any applicant to the SLP and had no involvement in the competitive bidding process for any applicant or vendor.

Mr. Fillmore does not receive any share of the revenue received from SLP. In addition, he has no involvement in the management, operations, or business activities of H-Wire.

All of this information was communicated to you formally, at your request. Mr. Fillmore is willing to provide a sworn statement reiterating that each of these representations is true. You have not disputed any of these facts, nor provided any evidence that places any of these facts in doubt.

In addition to his previous statements to you, Mr. Fillmore also would provide a sworn statement that the following facts also are true: (1) he did not assist any SLP applicant with its competitive bidding process or any other part of the SLP program in any way; (2) he participated in no meetings, conversations, or decisions, nor provided any assistance to any applicant or vendor under the SLP.

And while H-Wire and Charter Solutions are in the same building, there are no overlapping employees and no shared space. Again, this is a reflection of functional separation as well as physical separation. Moreover, and as also explained years ago and as reflected in the Service Agreement you cite in your Denial, Charter Solutions plays no role in the schools' technology, whatsoever, which includes purchasing technology. Simply put, the SLP program is not an included service in Charter Solutions-provided services to schools.

As further proof of functional separation, several of the schools you listed engaged a separate e-rate consultant to guide them through the process. These schools are the following:

- Excelsior Academy (in 2018)
- Utah Military Academy (in 2017)
- Providence Hall (in 2017)
- Athlos Academy of Utah (in 2017)
- Treeside Charter School (in 2017)
- Paradigm (in 2017 and 2016)
- American International (in 2016)

Respectfully, in addition to overlooking undisputed facts demonstrating functional separation, the Denial also contains numerous factual errors, including at least the following:

1. Salt Lake Arts Academy is not a client of Charter Solutions, a fact which we believe has been previously communicated to you by Salt Lake Arts Academy.
2. American International School of Utah was not a client of Charter Solutions until 2018, two years after the FRN in question.
3. Athlos Academy Jefferson Parish is not a client of Charter Solutions.
4. You have confused marketing material (*potential* services listed on a website) with actual services provided to schools.
5. The claim that Charter Solutions is “intimately involved” in procurement activities on behalf of clients is untrue. In fact, the only contractual evidence cited for this claim is that Charter Solutions “assists” its clients with procurement, which in fact means that the school explains the rules for purchasing under any program, helps school purchasing agents understand those rules, and then accounts for the purchases after the fact for purposes of reporting and financial compliance.

To say the least, H-Wire is deeply concerned about a Denial that purportedly resulted from “a thorough investigation,” where all facts listed in the Denial come from H-Wire or Charter Solutions directly and actually support H-Wire’s position.

The Denial also appears to overlook the fact that H-Wire serves only as a Service Provider, and not as a consultant or applicant.

The Denial also appears to overlook the fact that Mr. Fillmore played no role with any applicant in advising, consulting, or preparing any aspect of any applicant’s Form 470 or Form 471 or in vendor evaluation or selection for any school. Further, he had no role at H-Wire in submitting proposals under any Form 470. In short, he had no role in any aspect of the SLP process, either as a consultant, an applicant, or a service provider.

Appropriate supporting documentation has been provided to you for the facts asserted in this letter.

If the Denial is not reversed, it would be an arbitrary and capricious exercise of regulatory power for at least the following three reasons: (1) there is no evidence or even an assertion that H-Wire’s conduct violates any USAC rule or even guidance; (2) instead the facts demonstrate total functional separation consistent with USAC guidance and those facts are undisputed; and (3) all documentation supports H-Wire’s position that it has achieved functional separation. See *Tennekoon v. Fanning*, 156 F. Supp. 3d 208, 216 (D.D.C. 2016) (it is arbitrary and capricious not to address a party’s non-frivolous, material arguments);

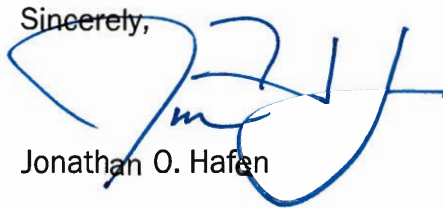
Fabio Nieto
August 2, 2018
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To the extent you have received information in the form of documents or statements from others that would dispute any of the three reasons above, please provide that information.

Absent such additional information, which H-Wire does not believe exists, H-Wire respectfully requests that you reconsider the Denial.

Should you wish to discuss these matters, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. O. Hafen", written over the printed name.

Jonathan O. Hafen

JOH:mtg

4840-5002-2767